

**Board of Finance
Public Hearing on whether to
have the Town and Board of
Education budgets voted on
separately**

October 17 and 20, 2009

Agenda

- Background on the issue
- Administration of a split vote
- Pros & Cons
- What happens after the referendum
- Q&A and Comments from public

Background – Why Now?

- Supreme Court of CT Naugatuck Decision in 2004 opened way
- Bd. Of Finance has heard from some residents that they want to understand if this is an option for Lebanon and what would need to be considered
- More information has become available on this approach

Solicited information from CCM

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July 29, 2009

Dear Ms. Charron,

The following is in response to your request for information regarding the bifurcation of municipal budgets. Specifically, you wanted to know how all municipalities in the state address this issue.

We have contacted over one-hundred Connecticut municipalities regarding this question. We specifically removed municipalities that participate in a regional school district as there are separate laws governing referenda and their education budgets. Of those one-hundred, roughly ninety have responded, while eight have not. I have attached a copy of this survey for your review.

This information is intended for general reference purposes only and is not intended to provide legal advice, opinions, or conclusions. If you have questions about particular legal issues, the application of the law to specific factual situations, or the interpretation of any statutes, ordinances, or case law referenced in this publication, CCM strongly recommends that you consult your attorney or other relevant party.

The following is meant to provide a context for the survey information:

In *Naugatuck Board of Education v. Town & Borough of Naugatuck*, 268 Conn.295, 843 A.2d 603 (2004) the Connecticut Supreme Court held that *Connecticut General Statutes* "do not supersede the provisions of home rule charters or ordinances on the same subject." *Id.* Thus providing municipalities the power to establish policies over issues of purely local concern. The rationale behind this decision is directly linked to the implicit purpose of Connecticut's Home Rule Act:

The purpose ... of Connecticut's Home Rule Act is clearly twofold: to relieve the General Assembly of the burdensome task of handling and enacting special legislation of local municipal concern and to enable a municipality to draft and adopt a home rule charter or ordinance which shall constitute the organic law of the city, superseding its existing charter and any inconsistent special acts.... The rationale of the act, simply stated, is that issues of local concern are most logically answered locally, pursuant to a home rule charter, exclusive of the provisions of the General Statutes.... Moreover, home rule legislation was enacted to enable municipalities to conduct their own business and to control their own affairs to the fullest possible extent in their own way ... upon the principle that the municipality itself knows better what it wants and needs than ... the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs. (Citations omitted; internal quotation marks omitted.) *Ganim v. Smith & Wesson Corp.*, 258 Conn. 313, 366-67, 780 A.2d 98 (2001); see also *Norwich v. Housing Authority*, 216 Conn. 112, 118, 579 A.2d 50 (1990) (ameliorative provisions of Home Rule Act favoring municipality's exercise of authority over its own affairs must be construed expansively to attain that legislative objective)

I hope that this information is helpful.

Regards,

Brian A. Gregorio

Member Services Associate

Connecticut Conference of Municipalities

CCM Survey



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Research & Information Survey
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Survey: Separate Referenda Votes for General Government Budget and Board of Education (2009)

Municipality	Charter	Separate Vote?	How Long?	Why?	Advantages Noticed?	Disadvantages Noticed?	Experience with only one budget passing. How has it been dealt with?	When is mill rate calculated?	Further Comments?
Avon	Yes	No							
Berlin	Yes	No							
Bethel	Yes	No							
Bloomfield	Yes	No							
Bolton	Yes	No							
Bozrah	No	No							
Branford	Yes	No							
Bridgeport	Yes	No							
Bristol	Yes	No							
Brookfield	Yes	No							
Brooklyn	No	Yes	over 10 years	Tradition	Has always been done in this way	None	Received a ruling from the Town Attorney regarding situation and voted on both budgets again	Calculated before and adopted after the budget has been passed	
Canton	Yes	No							
Cheshire	Yes	No							
Clinton	Yes	Yes	over 10 years			None		Mil rate calculated only after both budgets pass	
Colchester	Yes	Yes	1-2 years	Charter revision November 2008 FY 09-10 budget first year with separate questions.			First year with two questions. Both budgets passed at same referendum.	Single mil rate calculated prior to budget referendum, adopted and implemented after referendum	

Summary – CCM Survey

- 91 towns responded to survey
- 84 towns have charter, only 19 split vote
- 7 towns without a charter, only 4 split vote
- Of the 4 non-charter with split vote
 - 3 take entire budget back to town vote
 - 1 only takes the failed piece back to town vote

[illegible]

Administration

- Town and Education Budget would be presented as 2 separate questions at the town meeting and referendum
- A new fiscal budget cannot be fully implemented until both pieces pass
- Questions if one piece fails:
 - Do both pieces go back for vote?
 - If yes, can we revise the piece that passed?
- Consensus from other Towns is that a mil rate cannot be formally adopted until both budgets are approved

Pros and Cons

As Identified by towns participating in the CCM survey

■ Pros

- Gain information from vote results
- Residents have more say

■ Cons

- Increase the potential for more referendums
- Splitting the budget can polarize groups of towns people
- Reduces town options for lowering budget when necessary

If the ballot result on this question is “yes”

- The selectmen and Board of finance will need to develop an outline for an ordinance
- BOF will propose administrative procedures for all scenarios including if individual budgets fail
- Town attorney will draft ordinance
- Ordinance will go to town meeting for vote

**If the ballot result on this question is
“no”**

- We continue with the process we have used in previous years

■ Q&A/Comments from Public

Thank you for coming

- It is the intent of the Board of Finance, following completion for these hearings, to meet and determine if it will take a public position as a board on this issue.
- Don't forget to vote on November 3rd